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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

A.M., an individual,

Case No. 3:21-cv-01674-MO

Plaintiff,

v.

**DEFENDANT OMEGLE.COM LLC'S
SECOND NOTICE OF SUPPLEMENTAL
AUTHORITY RE: MOTION TO
DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT PURSUANT
TO FED. R. CIV. P. 12(b)(6)**

OMEGLE.COM LLC,

Defendant.

Defendant Omegle.com LLC respectfully submits the decision issued by the United States District Court for the Central District of California on November 4, 2022, in the case of *Jackson v. Airbnb, Inc.*, No. CV 22-3084 DSF (JCx), 2022 U.S. Dist. LEXIS 202765 (C.D. Cal. Nov. 4, 2022) – a copy of which is attached hereto as **Appendix A** – as supplemental authority in

support of Omegle's pending Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt. 49), and specifically Plaintiff's product liability claims.

The *Jackson* decision discusses, in relevant part, (1) that Airbnb is more akin to a service than to a product for purposes of the plaintiffs' product liability claims under California law, and (2) that the Ninth Circuit's *Lemmon v. Snap* decision addressed only whether Snap was immune under Section 230. *Jackson*, 2022 U.S. Dist. LEXIS 202765 at *27-29. These points are relevant to arguments made in Omegle's pending Motion to Dismiss with respect to Plaintiff's product liability claims. (*See* Dkt. 49 at 32-34; Dkt. 57 at 24-34.)

Dated this 1st day of December, 2022.

Respectfully submitted,

FOCAL PLLC

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